United Nations A/67/823–S/2013/209

General Assembly
Security Council

Distr.: General
5 April 2013

Original: English

General Assembly
Sixty-seventh session
Agenda items 33 and 34

Security Council
Sixty-eighth year

Prevention of armed conflict

Protracted conflicts in the GUAM area and their implications for international peace, security and development

Letter dated 3 April 2013 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I draw your attention to the ongoing violations of the ceasefire by the armed forces of the Republic of Azerbaijan recorded for the month of March 2013 (see annex).

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 33 and 34, and of the Security Council.

(*Signed*) Garen **Nazarian**
Ambassador
Permanent Representative

13-28258 (E) 100413

Please recycle

Annex to the letter dated 3 April 2013 from the Permanent Representative of Armenia to the United Nations addressed to the Secretary-General

Violations of the ceasefire by the armed forces of the Republic of Azerbaijan, 1-31 March 2013

1. On the borderline of the Nagorno Karabakh Republic:

   Total number of violations — 1,364

   Total number of shots ~ 5,443

   AK ~ 3,945, PK ~ 768, SVD ~ 418, DSHK ~ 87, RPK ~ 33, Black Arrow ~ 73, Istiglal ~ 69, Utyos ~ 20, NSVP ~ 30

2. On the borderline of the Republic of Armenia (see table below):

   Total number of violations — 119

   Total number of shots ~ 1,000

   AK ~ 429, PK ~ 334, SVD ~ 170, DSHK ~ 36, RPK ~ 6, Black Arrow ~ 25

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*
1.	1 March	Chinari	0120	RPK	2
2.		Sarigyugh	0710	SVD	3
3.		Paravaqar	1030	AK	2
4.		Aygepar	2100		1
5.			2225		1
6.	2 March	N. Karmiraghbyur	0055	AK	15
7.		Aygepar	0620		1
8.			2320		1
9.	3 March	Movses	1735	AK	1
10.		Aygepar			2
11.	4 March	Aygepar	2030	AK	1
12.		Vazashen	2245		10
13.	5 March	Berqaber	2320	PK	5

Abbreviations: PK, Kalashnikov machine gun; SVD, 7.9-mm sniper weapon; AK, Kalashnikov rifle; DSHK, 12.7-mm machine gun; RPK, 5.45-mm machine gun; Istiglal, 14.5-mm machine gun; Black Arrow, 12.7-mm sniper weapon; Utyos, 12.7-mm machine gun; NSVP, 12.7-mm machine gun.

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*
14.	6 March	Chinari	0025	SVD	3
15.		Berqaber	0100	AK	2
16.				SVD	2
17.				PK	33
18.		N. Karmiraghbyur	0154	AK	2
19.		Movses	1250	SVD	9
20.	8 March	Vazashen	0140	AK	15
21.		Chinari	1420	PK	5
22.				SVD	15
23.				AK	5
24.		Aygepar	1530	PK	1
25.	10 March	Ttu Jur	1155	AK	8
26.		Chinari	1615	SVD	2
27.			2315		3
28.	11 March	N. Karmiraghbyur	1015	AK	5
29.		Aygepar	2315		1
30.	12 March	Vazashen	1230	AK	5
31.		Movses	1300		10
32.		Aygepar	1320	SVD	1
33.		Chinari	2115	PK	5
34.	13 March	Chinari	2140	SVD	18
35.				PK	10
36.				AK	45
37.	14 March	Aygepar	1245	AK	1
38.		Movses	1400		10
39.		Berqaber	1615		4
40.		Barekamavan	1730		22
41.		Dovegh	1730	SVD	6
42.		Berdavan	1745	AK	50

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*
43.		Sevakavan	2000		20
44.	15 March	Paravaqar	1040	AK	4
45.			2205		3
46.		Movses	1630	PK	4
47.			1705	AK	7
48.			1850		10
49.		Vazashen	1630	SVD	35
50.		Chinari	1835	PK	30
51.			1850		50
52.				DSHK	20
53.			1920	PK	20
54.		Berdavan	2300	AK	5
55.	16 March	Koti	0125	AK	4
56.		Chinari	1700	SVD	3
57.				PK	5
58.	17 March	Aygehovit	1640	AK	12
59.			1700	PK	5
60.				AK	4
61.		Eraskh	1930	AK	3
62.		Berdavan	2140		15
63.	18 March	Barcruni	2015	RPK	4
64.		Tigranashen	2045	AK	5
65.	19 March	Agarak	1255	AK	1
66.			2320		2
67.		Vazashen	1820	PK	6
68.			2240	AK	10
69.		Chinari	1830	SVD	9
70.			2330	AK	3
71.	20 March	Berdavan	1815	Black Arrow	2

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*
72.		Vazashen	2135	PK	45
73.		Chinari	2210	SVD	1
74.	21 March	Eraskh	0215	AK	3
75.		Arcvaberd	1200	Black Arrow	10
76.		Kiranc	2030	SVD	4
77.		Vazashen	2105		10
78.			2245	PK	7
79.			2315	SVD	20
80.				PK	40
81.		Aygepar	2110	AK	3
82.	22 March	Paravaqar	2005	Black Arrow	5
83.		Sevakavan	2320	AK	4
84.	23 March	N. Karmiraghbyur	1310	AK	3
85.	24 March	Chinari	0005	SVD	1
86.			1150	AK	6
87.			2120	PK	2
88.		Aygepar	2100	AK	1
89.	25 March	Chinari	0215	SVD	1
90.			1550		2
91.			2320	AK	1
92.		Barekamavan	1740	SVD	2
93.		Vazashen	2316	PK	50
94.	26 March		1135	SVD	2
95.		Aygedzor	2130	AK	1
96.			2320		1
97.	27 March	Chinari	0010	SVD	1
98.			2330	DSHK	6
99.		Vazashen	0020	PK	7
100.		Paravaqar	2020	AK	7

No.	*Date*	*Direction*	*Time*	*Type of weapon*	*Ammunition*
101.	28 March	Berqaber	0100	AK	4
102.		Paravaqar	1410		5
103.		Chinari	2000	SVD	1
104.				AK	8
105.		Mehrab	2125		3
106.	29 March	Chinari	1145	Black Arrow	1
107.		Aygedzor	1310	AK	6
108.				SVD	1
109.	30 March	Aygepar	0940	AK	5
110.	31 March	Movses	0030	AK	4
111.		Vazashen	1000		1
112.		Aygepar	1045		2
113.			1050		3
114.		Chinari	1320	Black Arrow	7
115.			1755	DSHK	10
116.			1800	AK	30
117.				SVD	15
118.			1900	PK	2
119.			2040		2

United Nations A/67/828–S/2013/210

General Assembly
Security Council

Distr.: General
8 April 2013

Original: English

General Assembly
Sixty-seventh session
Agenda item 74
Report of the International Criminal Court

Security Council
Sixty-eighth year

Identical letters dated 3 April 2013 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit herewith the text of guidelines that I have issued on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court (see annex).

The guidelines set out the policy of the Secretariat on contacts between United Nations officials and persons who are the subject of arrest warrants or summonses issued by the Court. They have recently been redrafted and redistributed to senior officials of all units of the Secretariat, including field presences and operations, and of the offices, programmes and funds.

I should be grateful if you would bring the present letter and its annex to the attention of the members of the General Assembly and the Security Council.

(*Signed*) **BAN** Ki-moon

13-28047 (E) 090413

Please recycle

Annex

Guidance on contacts with persons who are the subject of arrest warrants or summonses issued by the International Criminal Court

The present guidance applies to all parts of the Secretariat, including Secretariat units and offices, programmes and funds.

Background

International Criminal Court proceedings are initiated by the issuance of either an arrest warrant or a summons to appear. Both documents contain, inter alia, reference to the crimes which the person is alleged to have committed, as well as a short statement of the facts which are alleged to constitute those crimes.

The Pre-Trial Chamber issues an arrest warrant in response to an application made by the Prosecutor when the Chamber feels that there are reasonable grounds to believe that the person has committed a crime under the jurisdiction of the International Criminal Court, and when the Chamber finds it necessary that the person be arrested. States parties to the Rome Statute of the International Criminal Court are under an obligation to enforce an arrest warrant issued by the Court.

A summons to appear is an alternative to an arrest warrant and may be sought by the Prosecutor where there are reasonable grounds to believe the accused person has committed the alleged crimes and when the summons is sufficient to ensure the person will appear before the Court. To date the International Criminal Court has issued nine summonses to appear and each of the accused persons summoned have appeared voluntarily before the Court.

(1) Persons subject to warrants of arrest

- Contacts between United Nations officials and persons who are the subject of warrants of arrest issued by the International Criminal Court should be limited to those which are strictly required for carrying out essential United Nations mandated activities.
- The presence of United Nations officials at any ceremonial or similar occasion that is attended by any such person should be avoided. Standard courtesy calls should not be made.
- When contacts are absolutely necessary, an attempt should be made, where possible, to interact with individuals of the same group or party who are not the subject of an International Criminal Court arrest warrant.

Commentary

1. As a general rule, there should be no meetings between United Nations officials and persons who are the subject of warrants of arrest issued by the International Criminal Court.

2. There should be no ceremonial meetings with such persons and standard courtesy calls should not be paid on them. The same holds true of receptions, photo opportunities, attendance at national day celebrations and so on.

3. If the person holds a position of authority in a State, every effort should be made to meet and liaise with individuals other than the person subject to a warrant of arrest in order to conduct business.

4. This being said, there may still be a need, in exceptional circumstances, to interact directly with a person who is the subject of an International Criminal Court arrest warrant. Where this is an imperative for the performance of essential United Nations mandated activities, direct interaction with such a person may take place to the extent necessary only.

5. The decision as to whether contact is strictly required in order to carry out United Nations mandated activities is an operational one, which is to be made in the light of a careful consideration of all the circumstances.

6. It may be important for the Secretary-General and Deputy Secretary-General, from time to time, to have direct contact with such a person, in order to address fundamental issues affecting the ability of the United Nations and its various offices, programmes and funds to carry out their mandates in the country concerned, including vital matters of security.

7. It can be anticipated that persons who are the subject of arrest warrants issued by the International Criminal Court may deliberately seek to meet with United Nations officials in order to demonstrate their contempt for the Court and try to undermine its authority. While the United Nations and the International Criminal Court are separate organizations, each with its own mandate, the two organizations share the objective of putting an end to impunity for the most serious crimes of international concern. Furthermore, the Relationship Agreement between the United Nations and the International Criminal Court requires the United Nations to refrain from any actions that would frustrate the activities of the Court and its various organs, including the Prosecutor, or undermine the authority of their decisions.

(2) Persons subject to summonses to appear

- United Nations officials may interact without restrictions with persons who are the subject of a summons to appear issued by the International Criminal Court and who are cooperating with the Court.
- In the event that such a person ceases to cooperate with the Court and the Prosecutor seeks the issuance by the Court of a warrant for his/her arrest, the guidance on persons subject to warrants of arrest set out in (1) above should be followed.

Commentary

1. Interactions between United Nations officials and a person who is the subject of a summons to appear and who is complying with that summons and cooperating with the International Criminal Court may carry on without restrictions. Such interactions do not undermine the authority of the Court.

2. This changes if the person concerned ceases to comply with the summons and to cooperate with the Court.

(3) Information

- Information on which individuals are the subject of warrants of arrest and which are the subject of summonses to appear may be obtained from the website of the International Criminal Court (www.icc-cpi.int) or from the focal point for the Court in the Office of Legal Affairs.